# Tables Of Transmission Requirements Over Time For Citizenship For Certain Individuals Born Abroad

#### BIRTH ABROAD TO TWO U.S. CITIZEN PARENTS, MARRIED

Date of Birth	Transmission Requirements	Reference	Reference
Before noon EST May 24,	One parent resided in the U.S.	Sec. 1993 Revised Statutes	7 FAM 1135.1; 1135.2
1934		(RS)	
		Sec. 301(h) INA	
		§ 101 P.L. 103-416	
Noon EST May 24, 1934 and	One parent resided in the U.S.	Sec. 1993, RS as amended by	7 FAM 1135.6-1
prior to Jan. 13, 1941		Act of 5/24/34.	
Jan. 13, 1941 and prior to Dec.	One parent resided in the U.S.	Sec. 201(c) NA	7 FAM 1134.2(c); 1134.3-1c;
24, 1952	or possession		1134.3-2
On or after Dec. 24, 1952	One parent resided in the	Sec. 301(a)(3), now 301(c)	7 FAM 1134.3-1c; 1133.3-1a
	United States or possession	INA	

#### Notes:

- ➤ In all cases residence must take place **prior** to the child's birth.
- > The law does not define how long residence must be.
- > Children born to two U.S. citizen parents never had retention requirements.

#### CHILD BORN OUT OF WEDLOCK TO U.S. CITIZEN MOTHER

Date of Birth	Transmission Requirements	Reference	Reference
Before noon EST May 24, 1934	Mother resided in the U.S. or possession prior to child's	Sec. 205, Paragraph 2, NA	7 FAM 1135.3-2; 1134.5-4
	birth; child not legitimated by alien father before Jan. 13, 1941.		
Noon EST May 24, 1934 and prior to Jan. 13, 1941	Mother resided in U.S. or possession prior to the child's birth.	Sec. 1993, RS as amended by Act of 5/24/34; Sec. 205, Para 2, NA	7 FAM 1135.7-2; 1134.5-4
Jan 13, 1941 and prior to Dec. 24, 1952	Mother resided in U.S. or possession prior to child's birth	Sec. 205, Paragraph 2, NA	7 FAM 1134.5-4
On or after Dec 24, 1952	Mother physically present in U.S. or possession continuously 12 months prior to child's birth	Sect 309 (c), INA	7 FAM 1133.4-3

#### Note:

➤ Children born out of wedlock to a U.S. citizen mother never had retention requirements.

## BIRTH ABROAD TO U.S. CITIZEN PARENT AND ALIEN PARENT, MARRIED

Date of Birth	Transmission	Reference	Retention	Reference
	Requirements		Requirements	
Before noon EST May 24, 1934	Either U.S. citizen father or mother could transmit.	Sec. 1993, Revised Statutes (RS)	None	
	U.S. citizen parent resided in U.S. before child's	7 FAM 1135		
	birth	Sec. 301(h) INA		
		§ 101 P.L. 103-416		
Noon EST May 24,	Either U.S. citizen father	Sec. 1993, RS as	Persons failing to fulfill	Sec. 324(d)(1) INA
1934 and prior to Jan. 13, 1941	or mother could transmit.	amended in 1934	below requirements may have citizenship restored	§ 101 P.L. 103-416
	U.S. citizen parent resided in U.S. before child's birth	7 FAM 1135.6	upon taking oath of allegiance:	
			(1) 5 years of residence between ages 13-21 if begun before	(1) Sec. 201 (g) & (h) NA; 7FAM 1134.6
			Dec. 24, 1952; or	(2) Francis Gra
			(2) 2 years continuous physical prescence between the ages	(2) Former Sec. 301(b), (c) INA; 7 FAM 1133.5- 3, 5-4
			14-28;* or	
				(3) Former Sec.
			(3) 5 years continuous physical presence	301(b), (d) INA; 7 FAM 1133.5-
			between ages 14-28	2b; 1133.5-3;
			if begun before Oct. 27, 1972**	1133.5-9
			(4) None if parent employed certain occupation***	(4) Sec. 201(g) NA; 7 FAM 1134.6
			(5) None if alien parent naturalized and child began to reside permanently in U.S. while under age 18	(5) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5-11
Jan 13, 1941 and prior	Citizen parent resided in	201(g) NA; 7 FAM	Persons failing to fulfill	Sec. 324(d)(1) INA
to Dec. 24, 1952	U.S. or possession 10 years prior to child's birth, five of which after the age of 16	1134.2; 1134.3	below requirements may have citizenship restored upon taking oath of allegiance:	§ 101 P.L. 103-416
			(1) 2 years continuous physical presence between ages 14- 28*;	(1) Former Sec. 301(b), (c) INA; 7 FAM 1134.6
			or	
			(2) 5 years continuous physical presence between ages 14-28	(2) Former Sec. 301(b), (c) INA; 7 FAM 1133.5-

			if begun before Oct 27, 1972**	2(b); 1133.5-3; 1133.5-9
			(3) None if parent employed certain occupation***	(3) 201(g) NA; 7 FAM 1134.6-2
			(4) None if child born on or after Oct. 10, 1952	(4) P.L. 95-432; 7 FAM 1133.5-13
			(5) None if alien parent naturalized and child began to reside permanently in U.S. while under age 18	(5) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5-11
Jan 13, 1941 and prior to Dec. 24, 1952	Citizen parent in U.S. Military Dec. 7, 1941 – Dec. 31, 1946 and resided in U.S. or possession 10 years prior to child's birth, five of which after	201(i) NA; 7 FAM 1134.2; 1134.4a, 1134.4e	Persons failing to fulfill below requirements may have citizenship restored upon taking oath of allegiance:	Sec. 324(d)(1) INA § 101 P.L. 103-416
	age 12.		(1) 2 years continuous physical presence between ages 14-28*;	(1) Former Sec. 301(b) INA; 7 FAM 1134.4(e); 1133.5
			or  (2) 5 years continuous physical presence between ages 14-28 if begun before Oct. 27, 1972**	(2) Former Sec. 301(b), (d) INA; 7 FAM 1133.5- 1a; 1133.5-2; 1133.5-8
			(3) None if child born on or after Oct. 10, 1952	(3) P.L. 95-432; 7 FAM 1134.2,3
			(4) None if alien parent naturalize and child began to reside permanently in U.S. while under age 18	(4) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5-11

#### Notes:

Note: Residence or physical presence of parent must take place **before** child's birth.

<sup>\*</sup>Absences of less than 60 days in aggregate during 2 year period does not break continuity.

<sup>\*\*</sup>Absences of less than one year in aggregate during 5 year period do not break continuity.

<sup>\*\*\*</sup>U.S. Government, American educational, scientific, philanthropic, religious, commercial, or financial organization or an International Agency in which the U.S. takes part.

## BIRTH ABROAD TO U.S. CITIZEN PARENT AND ALIEN PARENT, MARRIED (continued)

Date of Birth	Transmission	Reference	Retention	Reference
	Requirements		Requirements	
Jan. 13, 1941 and prior to Dec. 24, 1952	Citizen parent in U.S. Military Jan. 1, 1947 – Dec. 24, 1952 and resided in U.S. or possession 10 years	Sec. 301(a)(7), now 301(g) INA; 7 FAM 1134.4f	Persons failing to fulfill below requirements may have citizenship restored upon taking oath of allegiance:	Sec. 324(d)(1) INA § 101 P.L. 103-416
	prior to child's birth, five of which after age 14, and who did not qualify under either provision above.		(1) 2 years continuous physical presence between ages 14- 28*;	(1) Former Sec. 301(b), (d) INA; 7 FAM 1133.5
			or	
			(2) 5 years continuous physical presence between ages 14- 28 if begun before Oct. 27, 1972**	(2) Former Sec. 301(b), (d) INA; 7 FAM 1133.5-1a; 1133.5- 2; 1133.5-8
			(3) None if child born on or after Oct. 10, 1952	(3) P.L. 95-432; 7 FAM 1133.5-13
			(4) None if alien parent naturalized and child began to reside permanently in U.S. while under age 18	(4) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5- 11
Dec. 24, 1952 and prior to Nov. 14, 1986	Citizen parent physically present in U.S. or possession 10 year prior to child's birth, five of which after age 14.*	Sec. 301(a)(7), now Sec. 301(g) INA; 7 FAM 1133.2-1; 1133.3-1c	None	
On or after Nov. 14, 1986	Citizen parent physically present in U.S. or possession 5 years prior to child's birth, two of which after the age 14. *	301(g) INA; P.L. 99- 653; P.L. 100-525	None	

Notes:

<sup>\*</sup>Honorable U.S. military service, employment with U.S. Government or intergovernmental international organization, or as a dependent unmarried son or daughter and member of the household of a parent in such service or employment, may be included.

## CHILD BORN OUT OF WEDLOCK TO U.S. CITIZEN FATHER AND ALIEN MOTHER

Date of Birth	Transmission and	Reference	Retention	Reference
	Legal Relationship		Requirements	
Before Noon EST May 24, 1934	Requirements  Legitimated under law of father's U.S. or foreign domicile.  Father resided in U.S.	Sec. 1993 Revised Statutes (RS); 7 FAM 1135.3-1	None	
N. Figman and	before child's birth.	g 4000 PG	D 0.111 0.1011	G 004(1)(4) DV4
Noon EST May 24, 1934 and prior to Jan. 13, 1941	Legitimated under law of father's U.S. or foreign domicile.  Father resided in U.S. before child's birth.	Sec. 1993, RS as amended in 1934; 7 FAM 1135.7-1	Persons failing to fulfill below requirements may have citizenship restored upon taking oath of allegiance:	Sec. 324(d)(1) INA § 101 P.L. 103-416
			(1) 5 years of residence between ages 13-21 if begun before Dec. 24, 1952; or	(1) Sec. 201(g) & (h) NA; 7 FAM 1134.6
			(2) 2 years continuous physical presence between ages 14- 28;* or	(2) Former Sec. 301(b), (c) INA; 7 FAM 1133.5-3, 5-4
			(3) 5 years continuous physical presence between ages 14- 28 if begun before Oct. 27, 1972**	(3) Former Sec. 301(b), (d) INA; 7 FAM 1133.5-2b; 1133.5- 3; 1133.5-9
			(4) None if parent employed certain occupation***	(4) Sec. 201(g) NA; 7 FAM 1134.6
			(5) None if alien parent naturalized and child began to reside permanently in U.S. while under age 18	(5) Former Sec. 301(b) INA; 7 FAM 1133.5-6; 1133.5- 11
Jan. 13, 1941 and prior to Dec. 24, 1952	(1)(A) Father physically present in U.S. or possession 10 years prior to child's birth, 5 of which after the age of 14. Honorable U.S.	301(a)(7) INA now Sec. 301(g)	Persons failing to fulfill below requirements may have citizenship restored upon taking oath of allegiance:	Sec. 324(d)(1) INA § 101 P.L. 103-416
	military service, employment with U.S. Government or Intergovernmental organization, or as		(1) 2 years continuous physical presence between ages 14- 28*;	(1) Former Sec. 301(b), (c) INA; 7 FAM 1134.6
	dependent unmarried son or daughter and member of the		or (2) 5 years continuous	(2) Former Sec. 301(b),
	household of a parent in such service or		physical presence between ages 14-	(c) INA; 7 FAM 1133.5-2(b);

	employment may be		28 if begun before	1133.5-3; 1133.5-9
	included; and		Oct. 27, 1972**	
	(B) Paternity established	Sec. 309(b) INA	(3) None if parent	(3) 201(g) NA; 7 FAM
	before age 21 by the		employed certain	1134.6-2
	legitimation law of		occupation ***	
	father's or child's			
	residence/domicile; <b>OR</b>		(4) None if child born	(4) P.L. 95-432; 7
			on or after Oct. 10,	FAM 1133.5-13
	(2)(A) Father resided in	Sec. 201(g) NA	1952	
	U.S. or possession 10			
	years prior to child's		(5) None if alien	(5) Former Sec. 301(b)
	birth, five of which after		parent naturalized	INA; 7 FAM
	the age of 16 years; and		and child began to	1133.5-6; 1133.5-
	g ,,		reside permanently	11
	(B) Paternity established	Sec. 205 NA	in U.S. while under	
	during minority by	200 101	age 18	
	legitimation or court		age 10	
	adjudication before Dec.			
	24, 1952			
Dec. 24, 1952 and prior	(1) Father physically	301(a)(7) INA	None	
to Nov. 14, 1968	present in U.S. or	now Sec. 301(g)	None	
to Nov. 14, 1908		110w Sec. 301(g)		
	possession 10 years			
	prior to child's			
	birth, five of which			
	after age 14.			
	Honorable U.S.			
	military service,			
	employment with			
	U.S. Government			
	or			
	intergovernmental			
	international			
	organization, or as			
	dependent			
	unmarried son or			
	daughter and			
	member of the			
	household of a			
	parent in such			
	service or			
	employment, may			
	be included; and			
	(2) Paternity	Sec. 309(a) INA as		
	established under	originally enacted		
	age 21 by the			
	legitimation law of			
	father's or child's			
	residence/domicile.			
After Nov. 14, 1968 up	(1)(A) Father physically	301(a)(7) INA	None	
to or before Nov. 14,	present in U.S. or	now Sec. 301(g)		
1971	possession 10 years			
	prior to child's birth, 5			
	of which after the age of			
	14. Honorable U.S.			
	military service,			
	employment with U.S.			
	Government or			
	intergovernmental			
	international			
	organization, or as			
	organization, or as			

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	dependent unmarried son or daughter and member of the household of a parent in such service or employment, may be included; and  (2)(A) Blood Relationship established between father and child, father a U.S. citizen at time of child's birth, father (unless deceased) agrees in writing to support child until 18 years and while child is under 18 years (i) child is legitimated, (ii) father acknowledges paternity, or (iii) paternity established by court adjudication;	Sec. 309(a) INA as amended Nov. 14, 1986; 102 Stat. 2619		
	or			
	(B) Paternity established before age 21 by the legitimation law of father's or child's residence/domicile	Sec. 309(a) INA as originally enacted		
After Nov. 14, 1971 and before Nov. 14, 1986	(1) Father physically present in U.S. or possession 10 years prior to child's birth, 5 of which after the age of 14. Honorable U.S. military service, employment with U.S. Government or intergovernmental international organization, or as dependent unmarried son or daughter and member of the household of a parent in such service or employment, may be included; and	301(a)(7) INA now Sec. 301(g)	None	
	(2) Blood relationship established between father and child, father a U.S. citizen at time of child's birth, father	Sec. 309(a) INA as amended Nov. 14, 1986; 102 Stat. 2619		

	(unless deceased)			
	agrees in writing to			
	support child until			
	18 years and while			
	child is under 18			
	years (i) child is			
	legitimated, (ii)			
	father			
	acknowledges			
	paternity, or (iii)			
	paternity			
	established by			
	court adjudication.			
On or after Nov. 14,	(1) Father physically	301(a)(7) INA	None	
1986	present in U.S.	now Sec. 301(g)		
	possession 5 years			
	prior to child's			
	birth, 2 of which			
	after the age of 14.			
	Honorable U.S.			
	military service,			
	employment with			
	U.S. Government			
	or			
	intergovernmental			
	international			
	organization, or as			
	dependent			
	unmarried son or			
	daughter and			
	member of the			
	household of a			
	parent in such			
	service or			
	employment, may			
	be included; and			
	(2) 51 1 1 1 1	G 200() D14		
	(2) Blood relationship	Sec. 309(a) INA as		
	established	amended Nov. 14, 1986,		
	between father and	102 Stat. 2619		
	child, father a U.S.			
	citizen at time of			
	child's birth, father			
	(unless deceased)			
	agrees in writing to			
	support child until			
	18 years and while			
	child is under 18			
	years (i) child is			
	legitimated, (ii)			
	father			
	acknowledges			
	paternity, or (iii)			
	paternity			
	established by			
	court adjudication.			
	court adjudication.		l	